



3712

Attorney Docket No. 1136-032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : David Stein
Serial No. : 09//998,618 **Examiner** : Nguyen, Kein T.
Filed : November 30, 2001 **Group Art Unit:** 3712
For : WATERPROOF LYRICS DISPLAY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that the attached:

1. Response to Notice under 37 CFR 1.121 (7 pages);
2. Copy of the Notice; and
3. Return Receipt Postcard.

(Along with any paper(s) referred to as being attached or enclosed) and this Certificate of Mailing are being deposited with the United States Postal Service on the date indicated below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted
GOTTLIEB, RACKMAN & REISMAN, P.C.

Dated: 03. 05. 04.

Zoya Chernina
Zoya V. Chernina

GOTTLIEB, RACKMAN & REISMAN, P.C.
270 Madison Avenue
New York, N.Y. 10016-0601
Phone: (212) 684-3900
Facsimile: (212) 684-3999



Docket No. 1136-032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : David Stein
Serial No. : 09//998,618 **Examiner :** Nguyen, Kein T.
Filed : November 30, 2001 **Group Art Unit:** 3712
For : WATERPROOF LYRICS DISPLAY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF
NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

Sir:

Enclosed herewith is the entire corrected "Claims Amendments" section of the applicant's Amendment/Response to Office Action document filed on December 24, 2003, in response to the Notice of Non-Compliant Amendment under 37 CFR 1.121 issued in the above-identified application on February 20, 2004 (copy is attached). Please note, that claims 3-4, 15, 20 and 30-31, as presented in Amendment of December 24, 2003, have been inadvertently wrongly labeled as "previously withdrawn". These claims have been canceled, not withdrawn, by the previous Amendment filed on June 30, 2003.

Respectfully submitted

Gottlieb, Rackman & Reisman, P.C.

Dated: 3/5/04

By: 

Jeffrey M. Kaden
Attorney for Applicant
Registration No. 31,268

RECEIVED
FEB 24 2004
UNITED STATES DEPARTMENT OF COMMERCE

OIPF
MAR 08 2004
PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	TRADEMARK DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	----------------	----------------------	---------------------	------------------

09/998,618

11/30/2001

David Stein

1136/032

4922

7590

02/20/2004

George Gottlieb Esq.
c/o Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016

ENTERED

EXAMINER

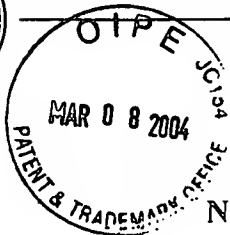
ART UNIT PAPER NUMBER

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE



09/998, 618

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12/29/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Karen Cobb

Legal Instruments Examiner (LIE)

703-305-3597

Telephone No.